

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HASSEM AHMAD ALAME,
Petitioner,

No. 1:10-cv-653

-v-

HONORABLE PAUL L. MALONEY

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, DISTRICT
DIRECTOR, ET AL.,
Respondents.

ORDER GRANTING RESPONDENTS' MOTION TO DISMISS

Hassem Ahmad Alame, a native and citizen of Lebanon, filed a petition for writ of habeas corpus. In 2001, Alame was granted status as a lawful permanent resident. In 2006, he was convicted of felonious assault, among other charges, and sentenced to two to four years incarceration. Upon release, Alame was arrested on November 24, 2009, and taken into custody by Immigration and Customs Enforcement (ICE) for deportation hearings. In December 2009, an immigration judge ordered Alame removed from the United States to Lebanon. Alame has been detained in the Calhoun County Jail. Alame contends his detention has lasted more than six months. The magistrate judge issued a report recommending the petition be denied. (ECF No. 8.) The report has not been served on Alame. (ECF No. 9.)

Respondents filed a motion to dismiss. (ECF No. 10.) In the brief, Respondents explain that Alame was removed to Lebanon on September 20, 2010. Respondents argue this court lacks jurisdiction over the petition because the issue raised in the petition is moot. The court agrees. The record establishes that Alame is no longer in the country and therefore is no longer under the control of either the Calhoun County Jail or ICE. *See Rosales-Garcia v. Holland*, 233 F.3d 386, 395-97

(6th Cir. 2003). Therefore, the issue raised in the petition is moot.

Accordingly, Respondents' motion to dismiss (ECF No. 10) is **GRANTED**. The report and recommendation (ECF No. 8) is **DISMISSED AS MOOT**. The petition for writ of habeas corpus is **DISMISSED AS MOOT**. On the basis of the record before the court, the court declines to issue a certificate of appealability. On the basis of the record before the court, the court finds any appeal would not be taken in good faith. **IT IS SO ORDERED.**

Date: November 2, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge